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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,425	08/03/2001	Gary Mittman	R258-DB	7477

31718 7590 03/04/2009  
BELASCO, JACOBS & TOWNSLEY LLP  
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SUITE 630  
LOS ANGELES, CA 90045

EXAMINER
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RETTA, YEHDEGA

ART UNIT	PAPER NUMBER
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3622

NOTIFICATION DATE	DELIVERY MODE
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03/04/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patmail@bjtlaw.com  
donna@bjtlaw.com  
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* GARY MITTMAN  
and  
ETHAN JOFFE

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Application No. 09/922,425  
Technology Center 3600

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Mailed: March 3, 2009

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Before PAMELA S. BENNETT, *Review Team Paralegal*.  
BENNETT, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on February 9, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

**EXAMINER'S ANSWER, MISSING REFERENCE**

The Examiner relied upon “Intel’s Pentium II gets \$20 mil intro (Intel launching Pentium II microprocessor worldwide on 5/7/97 backed by \$20 mil ad campaign)” Advertising Age, v68, n18, p16, May 5, 1997, in rejecting the claims. This reference was also cited on a PTO-892 mailed August 5, 2004. A copy of this reference appears to be missing from the Image File Wrapper (IFW). Correction is required.

**CONCLUSION**

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

- 1) to obtain a copy of the Intel’s Pentium II article;
  - 2) to complete the record by having the article scanned into the IFW;
- and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

PSB

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